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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-421

12 **GENEVA LAUREN SMITH**
4220 Santo Tomas E, Apt. C
13 Los Angeles, CA 90008
14 Registered Nurse License No. 706037

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs (Board).

22 2. On or about July 2, 2007, the Board issued Registered Nurse License No. 706037 to
23 Geneva Lauren Smith (Respondent). The Registered Nurse License was in full force and effect at
24 all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
3 administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 "(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
13 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
14 or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof. . . ."

17 9. Section 2764 provides, in pertinent part, that the expiration of a license shall not
18 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
19 to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the
20 Board may renew an expired license at any time within eight years after the expiration.

21 REGULATORY PROVISIONS

22 10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

23 "A conviction or act shall be considered to be substantially related to the qualifications,
24 functions or duties of a registered nurse if to a substantial degree it evidences the present or
25 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
26 safety, or welfare. . . ."

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1 b. On or about January 12, 2009, while under the influence of marijuana and opiates,
2 Respondent drove her vehicle into the rear of another's vehicle causing a three car collision.
3 Upon a search of Respondent's vehicle's center console, a hypodermic needle/syringe was found
4 and booked into evidence. Respondent was arrested and her blood tested positive for opiates and
5 marijuana, controlled substances and dangerous drugs.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction Involving a Controlled Substances/Dangerous Drugs)**

8 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
9 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about
10 March 10, 2009, Respondent was convicted of a criminal offense involving opiates and
11 marijuana, controlled substances and dangerous drugs. Complainant refers to and by this
12 reference incorporates the allegations set forth above in paragraph 14, subdivisions a and b,
13 inclusive, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Controlled Substances/Dangerous Drugs)**

16 16. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
17 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about
18 January 12, 2009, Respondent used opiates and marijuana, controlled substances and dangerous
19 drugs to an extent or in a manner dangerous or injurious to herself and others and / or to the
20 extent that such use impairs her ability to conduct with safety to the public the practice authorized
21 by her license. Complainant refers to and by this reference incorporates the allegations set forth
22 above in paragraphs 14 - 15, inclusive, as though set forth fully.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Illegally Obtain Possess Controlled Substances/Dangerous Drugs)**

25 17. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
26 and 2762, subdivision (a), on the grounds of unprofessional conduct, in that on or about
27 January 12, 2009, Respondent obtained or possessed opiates and marijuana, controlled substances
28 and dangerous drugs, without valid prescriptions. Complainant refers to and by this reference

1 incorporates the allegations set forth above in paragraphs 14 - 16, inclusive, as though set forth
2 fully.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Violating the Act)**

5 18. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
6 and (d), in that Respondent committed acts of unprofessional conduct and acts violating the
7 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set
8 forth above in paragraphs 14 - 17, inclusive, as though set forth fully.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Registered Nurse License No. 706037, issued to Respondent
13 Geneva Lauren Smith;
- 14 2. Ordering Respondent Geneva Lauren Smith to pay the Board the reasonable costs of
15 the investigation and enforcement of this case, pursuant to section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: _____

3/10/10

20 *for* Stacie Benson
21 LOUISE R. BAILEY, M.ED., RN
22 Interim Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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